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Paper 32
Filed: October 14, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FURUKAWA ELECTRIC NORTH AMERICA,
Junior Party
(Patent 5,694,503),

v.

CORNING, INC.,
Senior Party
(Application 09/203,166).

FAXED

OCT 14 2005

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patent Interference No. 105,253 (RES)

Judgment - Order to Show Cause - Bd.R. 202(d)

Before: SCHAFER, TORCZON and NAGUMO, Administrative Patent Judge.

SCHAFER, Administrative Patent Judge.

An order to show cause why judgment should not be entered against Furukawa was issued on June 23, 2005. Papers 27 and 28 (errata). Furukawa responded. Paper 29. The response was held to be insufficient. Paper 30. Furukawa was provided an opportunity to supplement its response to the order to show cause on or before August 22, 2005. Paper 30, p. 2. No supplemental response has been filed. Counsel for Furukawa confirmed that no response had been filed. Accordingly, it is appropriate to enter judgment against Furukawa.

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p.3), is awarded against the junior party, FURUKAWA ELECTRIC NORTH AMERICA;

FURTHER ORDERED that junior party, FURUKAWA ELECTRIC NORTH AMERICA, is not entitled to a patent containing claims 1-13 (corresponding to Count 1) of U.S. Patent 5,694,503;

FURTHER ORDERED that a copy of this judgment be made of record in the file of U.S. Patent 5,694,503 and 09/203,166;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

/Richard E. Schafer/
RICHARD E. SCHAFER
Administrative Patent Judge

/Richard Torczon/
RICHARD TORCZON
Administrative Patent Judge

/Mark Nagumo/
MARK NAGUMO
Administrative Patent Judge

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